

AG Contract No. KR98-0937TRN
ADOT ECS File No. JPA 98-60
Project: RAM 600-1-544/H4083 01C
Section: 101I Pima Freeway
Pima Road - Shea Boulevard
(BOR Reach 11)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SCOTTSDALE

THIS AGREEMENT is entered into 27 July, 1998, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SCOTTSDALE, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter, Article I, Section 3-1 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The Reach 11 Recreation AREA is a partially developed regional recreation area that parallels the north side of the CAP Canal. This recreational area, is situated on Bureau of Reclamation (BOR), owned land that serves first as a flood detention basin for flood protection. Through a lease agreement between the BOR and the City, this flood detention area serves secondarily as a recreational area. The area is largely undeveloped and supports such activities as walking, horseback riding and nature viewing. The City has jurisdiction over Reach 11 recreation uses.

4. Incident to the State's construction of the Pima Freeway, 101L, from Pima Road to Shea Boulevard, a portion of the Reach 11 Recreation Area is required for the future freeway construction and associated facilities, herein referred to as the "Project".

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 22543
Filed with the Secretary of State
Date Filed: 07/27/98
Betty Gayles
Secretary of State
By Vicky D. Greenwood

II. SCOPE OF WORK

1. The State will:

a. Reimburse the City, the estimated amount of \$957,350.00, upon receipt of a right of entry to the land depicted on Attachment "A", attached hereto and made a part hereof, that is presently covered by the City of Scottsdale lease, as a one-time cost for compensation for the loss of recreational area in the Reach 11 Area, due to the State's construction of the Pima Freeway from Pima Road to Shea Boulevard.

b. Maintain the portion of the Reach 11 facility as freeway right of way acquired for the Project.

2. The City will:

a. Commit to use said funds strictly for the enhancement of the recreational facility in the Reach 11 Area, as permitted or directed by the BOR.

b. Prior to receipt of reimbursement by the State, revise its lease agreement with the BOR, to exclude the Project area removed from the Reach 11 Recreation Area. This area is 15.76 acres as depicted on Attachment "A".

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of the work contemplated herein and reimbursements; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

City of Scottsdale
City Manager
3939 Civic Center Boulevard
Scottsdale, Arizona 85251


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SCOTTSDALE

STATE OF ARIZONA
Department of Transportation

By 
SAM K. CAMPANA
Mayor

By 
VICTOR M. MENDEZ, P.E.
Deputy State Engineer

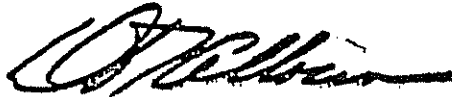
Attest

By 
SONIA ROBERTSON
City Clerk

RESOLUTION

BE IT RESOLVED on this 27th day of April 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Scottsdale for the purpose of defining responsibilities for the portion of the Reach 11 Recreation Area, required for the future Pima Freeway construction and associated facilities.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID ALLOCCO, acting Manager
Engineering Technical Group

for MARY E. PETERS, Director

RESOLUTION NO. 5103

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THREE INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY AND THE STATE OF ARIZONA, THROUGH ITS DEPARTMENT OF TRANSPORTATION, PERTAINING TO THE PIMA FREEWAY (101L).

WHEREAS, Arizona Revised Statutes Sections 11-951, et seq. provide that public agencies may enter into intergovernmental agreements for the provisions of services, or for joint cooperative action; and

WHEREAS, Article I, Section 3-1 of the charter of the City of Scottsdale authorizes the City to enter into intergovernmental agreements with various public agencies, including the State of Arizona or any department or agency thereof; and

WHEREAS, the Arizona Department of Transportation (ADOT), is designing and constructing the Pima Freeway from Shea to Pima/Princess; and

WHEREAS, the parties have negotiated certain agreements concerning City water and sewer utilities and esthetics enhancements, reimbursing ADOT for frontage road right-of-way, and concerning the acquisition of necessary right-of-way from the Bureau of Reclamation,

NOW, THEREFORE, it is resolved by the Council of the City of Scottsdale, Maricopa County, Arizona as follows:


- Section 1. Sam Kathryn Campana, Mayor, is hereby authorized and directed to sign:
1. Intergovernmental Agreement No. 980090 (ADOT GPA 98-06) respecting utility and aesthetic enhancements,
 2. Intergovernmental Agreement 980091 (ADOT JPA 97-30), reimbursing ADOT for certain frontage road right-of-way acquisition costs, and
 3. Intergovernmental Agreement 980092 (ADOT JPA 98-60), concerning the acquisition of necessary right-of-way from the Bureau of Reclamation.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona, this 6th day of July, 1998.

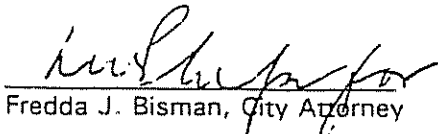
CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:


Sonia Robertson, City Clerk

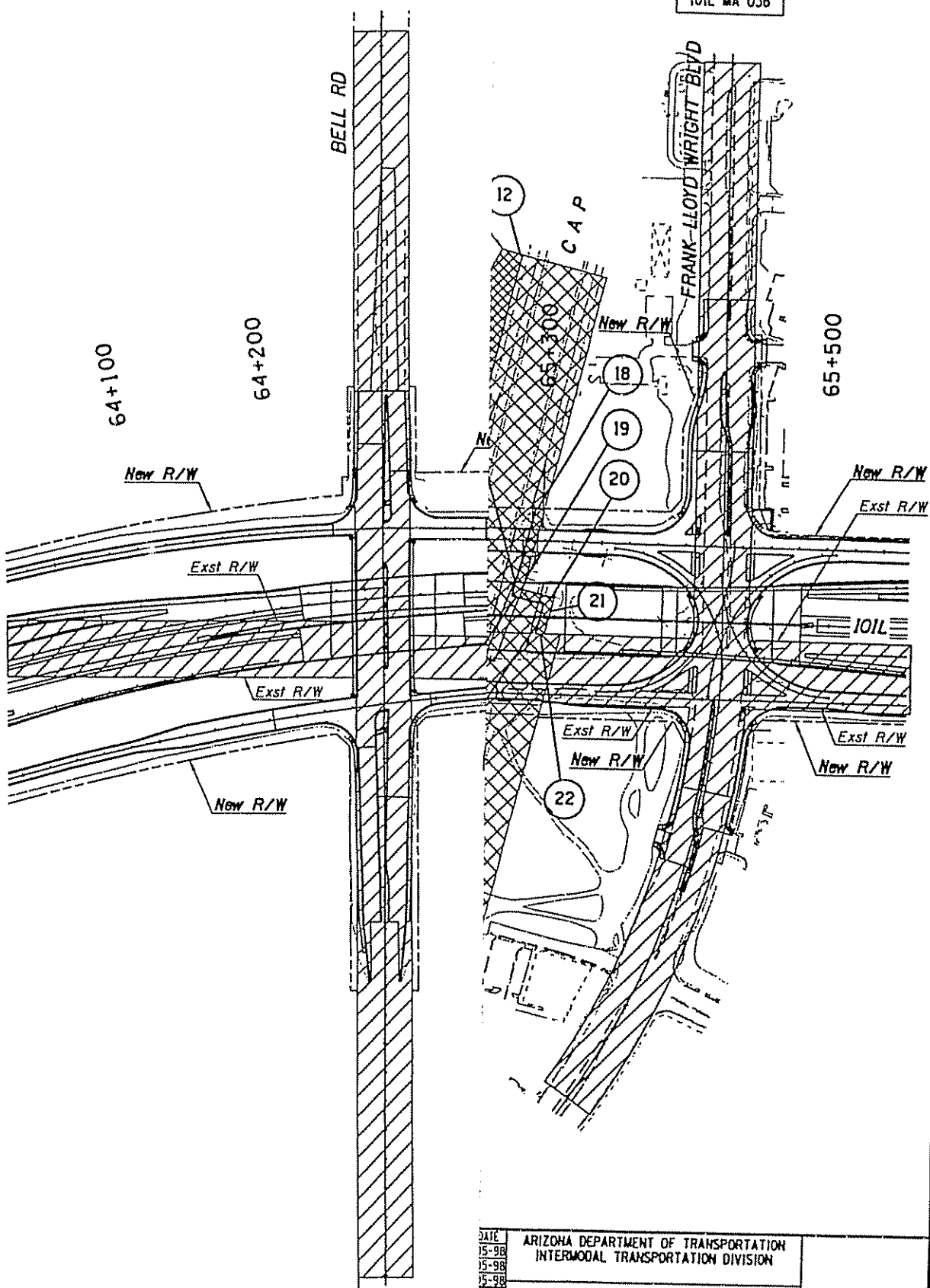

Sam Kathryn Campana, Mayor

APPROVED AS TO FORM:


Fredda J. Bisman, City Attorney

PJLWA REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	600-1-544			

101L MA 036



DATE	LOCATION	REVISIONS	DESIGNED BY	CHECKED BY

DATE 15-98 15-98 15-98		ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION	
REQUIRED BOR R/W			
A FREEWAY - PIMA TO SHEA			
DWG NO.		600-1-544	
OF		0F	

Metric



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

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GRANT WOODS
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-0937TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE July 21, 1998.

GRANT WOODS
Attorney General

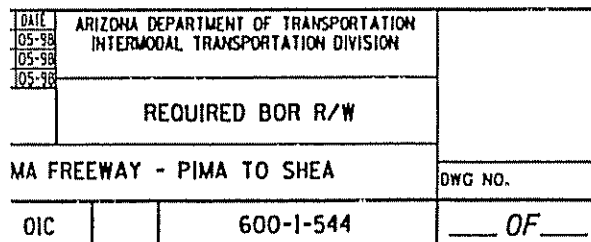
JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/13852

Enc.

101L MA 036

VIEW NAME:



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